

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

ROY ANTHONY MARSH,

Debtor(s).

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Bk. No. **17-02924-RM3-13**
Chapter 13
Judge Randal S. Mashburn

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: November 27, 2018

IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: December 5, 2018 at 8:30 a.m. in Courtroom 1, 2nd Floor
Customs House, 701 Broadway, Nashville, Tennessee 37203

TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO MODIFY PLAN

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, respectfully objects to the application filed by the debtor seeking to modify the plan.

As noted in the Motion to Modify, the creditor, InSolve Auto Funding, obtained relief from the stay and, pursuant to the Order Confirming the Plan, once relief from the stay is ordered as to any item of collateral, "all payments under those paragraphs on account of claims secured by that collateral will cease."

The debtor is seeking to modify the plan to compel the Trustee to continue to make payments even though the automatic stay is terminated. The application by the debtor, however, is not feasible unless the debtor both increases the monthly payment payable to InSolve such that the claim can be amortized (\$384 per month) and the debtor provides the Trustee adequate funds to make the payments (\$404.75 per month with a base of \$22,900).

WHEREFORE, THE PREMISES CONSIDERED, the Trustee objects to the application filed by the debtor seeking to modify the plan to provide for InSolve Auto Funding.

Respectfully submitted,

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on or before the 27th day of November, 2018, a true and correct copy of the foregoing has been served in the following manner:

Email by Electronic Case Noticing to:

U. S. Trustee
Long Burnett & Johnson, Counsel for Debtor

By U. S. Postal Service, postage prepaid to:

Roy A. Marsh, 4904 Shihmen Drive, Antioch, TN 37013
Nichlas Spallas, 1790 East River Road, Suite 101, Tucson, AZ 85718

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee